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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**ELIZABETH A. VANCE
a.k.a. ELIZABETH ANN VANCE
2700 Tyler Road
Birmingham, AL 35226**

Registered Nurse License No. 694503.

RESPONDENT

Case No. 2012-658

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

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FINDINGS OF FACT

1. On or about April 26, 2012, Complainant Louise R. Bailey, M.Ed.,RN, in her official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2012-658 against Elizabeth A. Vance, a.k.a. Elizabeth Ann Vance (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

2. On or about December 21, 2006, the Board of Registered Nursing (Board) issued Registered Nurse License No. 694503 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and expired on January 31, 2009 and has not been renewed.

3. On or about April 26, 2012, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2012-658, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record which, pursuant to Business and Professions Code section 136 and/Title 16, California Code of Regulation, section 1409.1, is required to be reported and maintained with the Board, which was and is:

2700 Tyler Road, Birmingham, AL 35226.

1 4. Service of the Accusation was effective as a matter of law under the provisions of
2 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
3 124.

4 5. As of June 18, 2012, neither the Certified Mail Receipt nor the First Class Mail was
5 returned to the Board. The address on the documents was the same as the address on file with the
6 Board. Respondent failed to maintain an updated address with the Board and the Board has made
7 attempts to serve the Respondent at the address on file. Respondent has not made herself
8 available for service and therefore, has not availed herself of her right to file a notice of defense
9 and appear at hearing.

10 6. Business and Professions Code section 2764 states:

11 The lapsing or suspension of a license by operation of law or by order or decision of
12 the board or a court of law, or the voluntary surrender of a license by a licensee shall not deprive
13 the board of jurisdiction to proceed with an investigation of or action or disciplinary proceeding
14 against such license, or to render a decision suspending or revoking such license.

15 7. Government Code section 11506 states, in pertinent part:

16 (c) The respondent shall be entitled to a hearing on the merits if the respondent files a
17 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
18 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's
19 right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

20 8. Respondent failed to file a Notice of Defense within 15 days after service of
21 the Accusation upon her, and therefore waived her right to a hearing on the merits of Accusation
22 No. 2012-658.

23 9. California Government Code section 11520 states, in pertinent part:

24 (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
25 agency may take action based upon the respondent's express admissions or upon other evidence
26 and affidavits may be used as evidence without any notice to respondent.

27 10. Pursuant to its authority under Government Code section 11520, the Board after
28 having reviewed the proof of service dated April 26, 2012, signed by Kami Pratab, finds

1 Respondent is in default. The Board will take action without further hearing and, based on
2 Accusation No. 2012-658 and the documents contained in Default Decision Investigatory
3 Evidence Packet in this matter which includes:

4 Exhibit 1: Pleadings offered for jurisdictional purposes; Accusation No. 2012-658,
5 Statement to Respondent, Notice of Defense (two blank copies), Request
6 for Discovery and Discovery Statutes (Government Code sections
7 11507.5, 11507.6 and 11507.7), proof of service; and if applicable, mail
8 receipt or copy of returned mail envelopes;

9 Exhibit 2: License History Certification for Elizabeth A. Vance, a.k.a. Elizabeth Ann
10 Vance, Registered Nurse License No. 694503;

11 Exhibit 3: Affidavit of Kami Pratab;

12 Exhibit 4: Declaration of costs by Office of the Attorney General for prosecution of
13 Case No. 2012-658;

14 Exhibit 5: Out of State Discipline (Alabama Board of Nursing).

15 The Board finds that the charges and allegations in Accusation No. 2012-658 are separately and
16 severally true and correct by clear and convincing evidence.

17 11. Taking official notice of Certification of Board Costs and the Declaration of Costs by
18 the Office of the Attorney General contained in the Default Decision Investigatory Evidence
19 Packet, pursuant to the Business and Professions Code section 125.3, it is hereby determined that
20 the reasonable costs for Investigation and Enforcement in connection with the Accusation are
21 \$1,125.00 as of June 18, 2012.

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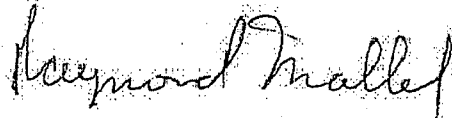
ORDER

IT IS SO ORDERED that Registered Nurse License No. 694503, heretofore issued to Respondent Elizabeth A. Vance, a.k.a. Elizabeth Ann Vance is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on August 31, 2012.

It is so ORDERED August 3, 2012



Board of Registered Nursing
Department of Consumer Affairs
State of California

Attachment:

Exhibit A: Accusation No. 2012-658

Exhibit A

Accusation No. 2012-658

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 LESLIE E. BRAST
Deputy Attorney General
4 State Bar No. 203296
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5548
6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 LYDIA ZANE, Senior Legal Analyst
Telephone: (415) 703-5573
9 Facsimile: (415) 703-5480

10 **BEFORE THE**
11 **BOARD OF REGISTERED NURSING**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

Case No. **2012-658**

14 **ELIZABETH A. VANCE**
15 **a.k.a. ELIZABETH ANN VANCE**
16 **2700 Tyler Road**
Birmingham, AL 35226
Registered Nurse License No. 694503

A C C U S A T I O N

17 Respondent.

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19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant), brings this Accusation solely in her
22 official capacity as the Interim Executive Officer of the Board of Registered Nursing (Board),
23 Department of Consumer Affairs.

24 2. On or about December 21, 2006, the Board issued Registered Nurse License Number
25 694503 to Elizabeth A. Vance, a.k.a. Elizabeth Ann Vance (Respondent). The Registered Nurse
26 License expired on January 31, 2009, and has not been renewed.

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4. Code section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

STATUTORY PROVISIONS

“(a) Unprofessional conduct, which includes, but is not limited to, the following:

• • •

CONTROLLED SUBSTANCES/DANGEROUS DRUGS

8. Code section 4022 sets forth that a “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self-use in humans or animals, and includes the following:

2

“(b) Any device that bears the statement: ‘Caution: federal law restricts this device to sale by or on the order of a _____,’ ‘Rx only,’ or words of similar import . . .

“(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006.”

9. **Marijuana** is a Schedule I controlled substance as designated by Health and Safety Code section 11054(d)(13), and a dangerous drug as designated by Business and Professions Code section 4022.

COST RECOVERY

10. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Out of State Discipline)
(Bus. & Prof. Section 2761, subd. (a)(4))

11. Respondent is subject to disciplinary action under Code section 2761, subdivision (a)(4), in that on or about May 22, 2009, the Alabama Board of Nursing (Alabama Board) entered a Consent Order staying the probation of Respondent's RN License No. 1-075779 (lapsed), and causing the license to remain on lapsed status subject to reinstatement of probation. The circumstances are as follows:

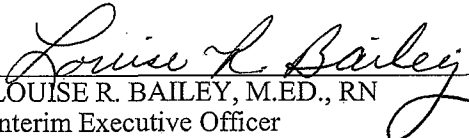
12. On or about March 21, 2008, the Alabama Board issued an Order placing Respondent's license on probation for one year subject to stipulations and conditions due to Respondent having tested positive for Marijuana on or about October 1, 2007, while employed at the University of Alabama. Respondent failed to comply with the stipulated terms and conditions of probation, including failure to submit monthly self-reports due in October, November, and December 2008, and January, February, and March 2009; and failure to submit to drug screens required in August, October, November, and December 2008, and January and February 2009. Respondent submitted a physician disability confirmation form indicating that she has physical and mental conditions that prevent her from working.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 694503, issued to Elizabeth A. Vance, a.k.a. Elizabeth Ann Vance (Respondent);
2. Ordering Respondent to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: April 26, 2012


LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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